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EXAMINER

NGUYEN, TRI V

ART UNIT

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1796

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/825,758	<b>Applicant(s)</b> THOMPSON ET AL.	
	<b>Examiner</b> TRI V. NGUYEN	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,11-26,28-37 and 40-74 is/are pending in the application.
- 4a) Of the above claim(s) 49-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,11-26,28-37,40-48 and 69-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/20/08 has been entered.

### ***Response to Amendment***

2. Upon entry of the amendment filed on 05/20/08, Claims 1, 11, 14-17, 19-26, 28, 30, 33-37, 40, 42 and 46 are amended, Claims 49-68 are withdrawn, claims 69-74 are added and Claims 7, 9, 10, 27, 38 and 39 are cancelled. The currently pending claims considered below are Claims 1-6, 8, 11-26, 28-37, 40-48 and 69-74.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25, 26, 28-37, 40 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly amended claim 25 recites the limitation of "detecting the user's local interaction with the user interface of the local system, the user's local

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interaction with the user interface being limited to the local system and not communicated to the server at the remote location" (lines 5-7); however, there seems to be a lack of literal basis for the this claimed limitation. The specification states that the local user's interactions are detected but seems to be silent as the overall limitation of the interaction not being communicated to the server at the remote location.

Claims 26, 28-37, 40 and 41 are dependent on claim 25 thus inherit the same deficiencies.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the limitation "the method claim 27" in line 1. There is insufficient antecedent basis for this limitation in the claim as claim 27 has been cancelled.

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-6, 8, 11, 15, 16, 18, 19, 21-24, 42, 46, 47, 48, 69, 71, 72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. in view of Rashkovskiy et al. (US 2007/0162951), Cannon et al. and Pieper.

Claim 1: Kim et al. disclose a method for delivering advertising content from a server at a remote location to an audio visual device having a visual display and a user interface at a user

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location and displaying the advertising content on the visual display to the user, said method comprising the steps of:

- a. Detecting a user session, the session commencing upon the user interacting with the user interface, the user interface being a graphical display software presented on the visual display (see at least parag. 77-81 and 145-147);
- b. Starting an ad timer upon the user making a request for user requested content by interacting with the user interface, the ad timer being set for an interval of time (see at least parag. 77-81 and 145-147);
- c. Delivering the user requested content from the server to the audio visual device at the user location – the examiner remarks that the feature of displaying the content is a reasonable interpretation of the present step (see at least parag. 77-81 and 145-147);
- d. Determining if the interval of time of the ad timer has elapsed when the user makes a subsequent request for user requested content by interacting with the user interface of the audio visual device(see at least parag. 77-81 and 145-147);
- e. Interrupting the delivering of the user requested content from the server to the audio visual device at the user location and preventing the displaying of the user requested content on the visual display;
- f. delivering the advertising content on the audio visual device at the user location(see at least parag. 77-81 and 145-147);
- g. displaying the advertising content on the visual display if the interval of time of the ad timer has elapsed (see at least parag. 77-81 and 145-147);
- h. Resetting the ad timer after the delivering of the advertising content is complete (see at least parag. 77-81 and 145-147); and

- i. Continuing the delivering the user requested content to the user interface after the delivering of the advertising content is complete (see at least parag. 77-81 and 145-147).

However, Kim et al. do not explicitly disclose interrupting the delivery of the content to display the advertisement, preventing the displaying of the user requested content on the visual display and continuing the delivery until the advertising content is complete. In an analogous art, Rashkovskyi et al. disclose the features of stopping the content feed, displaying an interrupting content such as an advertisement then continuing the content feed based on various parameter such as frequency, user's interaction and real-time or cached architecture (abstract, parag. 26-29, 32-34, 36-40, 47-54); Pieper discloses various advertising architecture (e.g. pop-up window, splash screen and intermercial) with variables such as window size, frequency and open/close methods (pages 18-20 and 52) and Cannon et al. disclose a similar method for delivering advertising content to a user in which displays an advertisement "that the user cannot remove or reduce in size" (page 2, paragraph 0018) and that "the supplemental content is displayed such that it cannot be shut-off or the display of the supplemental content closed before it has been displayed (page 15, paragraph 00175). Cannon discloses several methods of preventing the user from using the interface functions to remove, reduce, shut-off, or closed, such as using Java code. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. In particular, it would have been well within the purview of a skilled artisan to arrive at an implementation of the restrictive features taught by Rashkovskyi et al., Cannon et al. and Pieper. to ensure that the content of the advertising is being displayed in its entirety thus enhancing the effectiveness of the advisement.

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Claims 2 and 3: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses commencing the detecting step upon an initial interaction by the user, such as selecting content through the interface (Kim et al.: parag. 77-81 and 145-147).

Claims 4: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses the interval being fixed (Kim et al.: parag. 77-81 and 145-147).

Claims 5, 6 and 8: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claims 1 and 4 above, but do not explicitly disclose that the fixed time interval is 5 minutes or a variable interval depending on the user session. The Examiner notes that the Applicant has not disclosed, nor discussed, any reason for or advantage in setting the length to exactly 5 minutes instead of 4 minutes or 30 seconds, or any other time; thus, the selection of 5 minutes or a variable time is seen as an optimization result variable decision which is given little, if any, patentable weight. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the designer to set the interval to 5 minutes or any other desired elapsed time interval. One would have been motivated to set the interval to a specific time, such as 5 minutes, in view of Kim et al., Cannon et al. and Pieper's disclosure of displaying after a predetermined time such as 3 minutes (Kim et al.: parag. 81). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

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Claim 11 : Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses the delivery medium being at least one of the Internet, cable, digital subscriber line, and wireless (Kim et al.: parag. 77-81 and 145-147).

Claim 15 and 46: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose the method for delivering streaming video advertising content to a user as in claims 1 and 42 but do not explicitly disclosed that user interface functions are suspended during the delivery step. In a related art, Cannon discloses a similar method for delivering advertising content to a user in which displays an advertisement "that the user cannot remove or reduce in size" (page 2, paragraph 0018) and that "the supplemental content is displayed such that it cannot be shut-off or the display of the supplemental content closed before is has been displayed (page 15, paragraph 00175). Cannon discloses several methods of preventing the user from using the interface functions to remove, reduce, shut-off, or closed, such as using Java code. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to suspend the user interface functions in Kim et al., Rashkovskyi et al., Cannon et al. and Pieper while the advertising content was being delivered to the user. One would have been motivated to suspend their functions in order to ensure that the user had been exposed to the entire advertising content. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 16: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses repeating the timing, determining, and delivering steps (Kim et al.: parag. 77-81 and 145-147).



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Claim 18: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses the advertising content includes a link to at least one Internet address (Kim et al.: parag. 77-81 and 145-147).

Claim 19: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses the user interacting via a keyboard (Kim et al.: parag. 77-81 and 145-147).

Claim 21: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, and further discloses the user interacting via a link to another web page (Kim et al.: parag. 77-81 and 145-147).

Claim 22: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, but do not explicitly disclose that the advertising content is continued to be delivered after a second interaction by the user. However, the Examiner notes that this is a an optimization result variable decision and that the frequency of presentation of the advertising content may be set at any desired level by the entity setting up the system, such as after every interaction, every other interaction, every third interaction, etc. without affecting the other steps of the claims. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to set the frequency in Kim et al., Rashkovskyi et al., Cannon et al. and Pieper to every two interactions. One would have been motivated to set the frequency at every two interactions to prevent

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overloading the user with advertising content. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 23: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose the method of claim 1, further comprising the step of delivering video content to the user (Kim et al.: parag. 77-81 and 145-147).

Claims 24 and 48: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claims 23 and 42 above, but do not explicitly disclose delivering (displaying) the advertising content to the user after completion of the video content in order to create a commercial-free video. However, the Examiner notes that the content of the website or advertising material (for example both the content of the website and the advertisement can be in the form of a video) are construed as nonfunctional descriptive material which is given little, if any, patentable weight and does not affect the method steps of the claims. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver the content of the advertising material after a video playback. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 42: Kim et al. disclose a method for delivering advertising content from a server at a remote location to an audio-visual device having a visual display and a user interface at a user location and displaying the advertisement content on the visual display to the user, said method comprising the steps of:

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- a. time-stamping a user session profile during a user session, the user session commencing upon the user interacting with the user interface of the audio-visual display;
- b. detecting an address for contents requested by the user (see at least parag. 77-81 and 145-147);
- c. saving the address requested by the user (see at least parag. 77-81 and 145-147);
- d. interrupting the delivery of the contents of the address from the server to the audio visual device at the user location and preventing display of the contents of the address on the visual display if a selected interval of time has elapsed since the time-stamping (see at least parag. 77-81 and 145-147);
- e. displaying the advertising content to the visual display, the displaying of the advertising content to the visual display being uninterruptible by the user for a selected period of time (see at least parag. 77-81 and 145-147); and
- f. continuing the delivery of the contents of the address requested by the user to the user from the server to the audio visual device at the location and continuing the display of the contents of the address requested by the user on the visual display after the displaying of the advertising content is complete (see at least parag. 77-81 and 145-147).

Kim et al. disclose the method of presenting advertisement but do not explicitly disclose the time stamp, the saving of the address and interrupting the delivery of the content to display the advertisement, preventing the displaying of the user requested content on the visual display and continuing the delivery until the advertising content is complete. However, the Examiner notes that since Kim et al. teach a timer to schedule the presentation of the advertising content, it would have been obvious to a skilled artisan to use a time stamp as a marker. One would be

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motivated to efficiently track the elapsed time and gain information on information retrieval and delivery. In an analogous art, Rashkovskyi et al. disclose the features of stopping the content feed, displaying an interrupting content such as an advertisement then continuing the content feed based on various parameter such as frequency, user's interaction and real-time or cached architecture (abstract, parag. 26-29, 32-34, 36-40, 47-54); Pieper discloses various advertising architecture (e.g. pop-up window, splash screen and intermercial) with variables such as window size, frequency and open/close methods (pages 18-20 and 52) and Cannon et al. disclose a similar method for delivering advertising content to a user in which displays an advertisement "that the user cannot remove or reduce in size" (page 2, paragraph 0018) and that "the supplemental content is displayed such that it cannot be shut-off or the display of the supplemental content closed before it has been displayed (page 15, paragraph 00175). Cannon discloses several methods of preventing the user from using the interface functions to remove, reduce, shut-off, or closed, such as using Java code. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. In particular, it would have been well within the purview of a skilled artisan to arrive at an implementation of the restrictive features taught by Rashkovskyi et al., Cannon et al. and Pieper. to ensure that the content of the advertising is being displayed in its entirety thus enhancing the effectiveness of the advisement.

Claim 47: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose the method of claim 1, further comprising the step of delivering video content to the user (Kim et al.: parag. 77-81 and 145-147).

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Claims 69, 71, 72 and 74: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose the method of claim 1, further comprising the features of a web browser interface and the personal computer (Kim et al.: abstract).

8. Claims 25, 26, 28-30, 40, 41, 70 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. in view of Rashkovskyi et al.

Claim 25: Kim et al. disclose a method for delivering advertising content from a server at a remote location to a local system having a visual display and a user interface at a user location and displaying the advertising content on the display the user interface for use by a user, said method comprising the steps of:

- a. Detecting the user's local interaction with the user interface of the local system, the user's local interaction with the user interface being limited to the local system and not communicated to the server at the remote location (see at least parag. 77-81 and 145-147);
- b. measuring an amount of time between the user's interactions with the user interface of the local system (see at least parag. 77-81 and 145-147); and
- c. delivering the advertising content to the local system at the user location after a selected elapsed interval of time if the user's local interaction with the user interface of the local system occurs during the selected elapsed interval of time (see at least parag. 77-81 and 145-147).

Kim et al. disclose the method of providing interstitial advertising on a networked environment based on user's interactions but do not explicitly disclose the user's interaction being confined to the local system. It is noted that Kim et al. teach the feature of detecting user's input via the mouse or the keyboard. In an analogous art, Rashkovskyi et al. disclose a method of

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presenting interruptible content such as website, television feed or game play with an interrupting content such as an advertisement or a message (thus preventing continued content feed) before resuming the content feed based on the user's interaction monitoring - it is construed that a game play or television feed is not interactive with a server (abstract, parag. 26-29, 32-34, 36-40, 47-54). Rashkovskyi et al. also teach that the displaying of the interrupting message is based on various features such as cached content, real-time, off-line, frequency and timed. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. In particular, it would have been well within the purview of a skilled artisan to arrive at an implementation of the restrictive features taught by Rashkovskyi et al. to ensure that the content of the advertising is being displayed in various environments such as off-line or on a television.

Claim 26: Kim et al. and Rashkovskyi et al. disclose the method of claim 25, wherein said measuring step commences upon the user selecting content through the user interface of the local system (see at least parag. 77-81 and 145-147).

Claims 28 and 29: Kim et al. and Rashkovskyi et al. disclose a method for delivering advertising content to a user as in Claim 25 above, and but do not explicitly disclose further pausing the timing step during the delivery of the advertising content and un-pausing the timing step after the delivery is completed. The Examiner notes that the Applicant has not disclosed, nor discussed any reason for or advantage in the pausing function of the timer. Kim et al. and Rashkovskyi et al. disclose that the length of time is predetermined. The examiner construes the timing step as an optimization result variable decision which is given little, if any, patentable weight. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to allow the designer to pause and un-pause the set the interval to any desired elapsed time interval. One would have been motivated to set the interval to a specific time with or without un-pausing the timer in view of Kim et al.'s disclosure of displaying after a predetermined time such as 3 minutes (parag. 81). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 30: Kim et al. and Rashkovskyi et al. disclose the method of claim 25, wherein said delivering step delivers the advertising content over at least one of the following mediums: Internet, cable, digital subscriber line, and wireless (see at least parag. 77-81 and 145-147).

Claim 35: Kim et al. and Rashkovskyi et al. disclose the method of claim 25, wherein after completion of said launching step, said measuring and launching steps are repeated (see at least parag. 77-81 and 145-147).

Claim 36: Kim et al. and Rashkovskyi et al. disclose the method of claim 25, wherein the measuring step includes the user interacting with the user interface via a keyboard (see at least parag. 77-81 and 145-147).

Claim 40: Kim et al. and Rashkovskyi et al. disclose the method of claim 25, further comprising the step of delivering video content to the user (see at least parag. 77-81 and 145-147).

Claim 41: Kim et al. and Rashkovskyi et al. disclose a method for delivering advertising content to a user as in Claim 40 above, but do not explicitly disclose delivering (displaying) the

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advertising content to the user after completion of the video content in order to create a commercial-free video. However, the Examiner notes that the content of the website or advertising material (for example both the content of the website and the advertisement can be in the form of a video) are construed as nonfunctional descriptive material which is given little, if any, patentable weight and does not affect the method steps of the claims. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver the content of the advertising material after a video playback. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claims 70 and 73: Kim et al and Rashkovskyi et al disclose the method of claim 1, further comprising the features of a web browser interface and the personal computer (Kim et al.: abstract).

9. Claims 15 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., Rashkovskyi et al., Cannon et al. and Pieper in view of Cannon et al (US 2002/0016736). Claims 15 and 46: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose the method for delivering streaming video advertising content to a user as in claims 1 and 42 but do not explicitly disclosed that user interface functions are suspended during the delivery step. In a related art, Cannon discloses a similar method for delivering advertising content to a user in which displays an advertisement "that the user cannot remove or reduce in size" (page 2, paragraph 0018) and that "the supplemental content is displayed such that it cannot be shut-off or the display of the supplemental content closed before is has been displayed (page 15, paragraph 00175). Cannon discloses several methods of preventing the user from using the



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interface functions to remove, reduce, shut-off, or closed, such as using Java code. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to suspend the user interface functions in Kim et al., Rashkovskyi et al., Cannon et al. and Pieper while the advertising content was being delivered to the user. One would have been motivated to suspend their functions in order to ensure that the user had been exposed to the entire advertising content. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

10. Claims 12-14 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., Rashkovskyi et al., Cannon et al. and Pieper and further in view of Capek et al (6,094,677).

Claims 12-13 and 43-44: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in the above Claims but do not explicitly disclose that the streaming video is broadcast quality video. The Examiner notes that the quality of the video does not affect the step of delivering the video advertising content to the user. Furthermore, Capek discloses a similar method for delivering streaming video advertising content to a user in which the streaming video is broadcast quality video (col 12, lines 64 - col 13, line 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver broadcast quality video advertising content to the user in Kim et al., Rashkovskyi et al., Cannon et al. and Pieper. One would have been motivated to deliver broadcast quality video in order to present the user with the clearest and most legible advertising copy as possible. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

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Claims 14 and 45: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in the above Claims but do not explicitly disclose that the video is delivered at a bit rate of at least 144 Kbps. The Examiner first notes that the speed of delivery through the Internet is based on the slowest connection during the transmission and that this connection is dynamic in that the connecting nodes are constantly changing. Thus, while it may be desired that the delivery rate does not fall below 144 Kbps, it cannot be assured when connecting through the Internet. Additionally, Official Notice is taken that it is old and well known to transmit streaming video at as high of bit rate as possible to prevent the video presentation from jerking or freezing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver the streaming video at 144 Kbps or faster, whenever possible. One would have been motivated to maintain this transmission speed in order to prevent jerking or freezing of the video presentation as discussed by Kim et al., Cannon et al. and Pieper. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

11. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., Rashkovskyi et al., Cannon et al. and Pieper in view of Slotznick (6,011,537).

Claim 17: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 1 above, but do not explicitly disclose that the advertising content completely fills the visual display. However, Slotznick discloses a similar method for delivering advertising content to a user in which the advertising content fills the entire display screen (visual display)(col 23, lines 11-16 and col 24, lines 23-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to cover the entire visual display of Kim et al., Cannon et al. and Pieper's user with the advertising content. One would have been motivated to cover the entire visual display in view of Kim et al.'s disclosure that the advertising content will be display prior to displaying the requested content. Having the advertising content cover the entire visual would eliminate any "dead" or "black-out" areas of the display while waiting for the requested content to be displayed. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 20: Kim et al., Rashkovskyi et al., Cannon et al. and Pieper disclose a method for delivering advertising content to a user as in Claim 25 above, but do not explicitly disclose the user interacting with the user interface via a voice-activated device. However, Slotznick discloses a similar method for delivering advertising content to a user in which the user may interact with the user interface by "speaking a command to a device equipped with a voice recognition module" (col 13, lines 21 -25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a voice-activated interfacing device in Kim et al., Cannon et al. and Pieper. One would have been motivated to use a voice-actuated device in order to allow the system to be used by physically disabled users and by users who need a hands-free means for entering data, such as users who are driving vehicles. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

12. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. and Rashkovskyi et al. in view of Capek et al (6,094,677).

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Claims 31-32: Kim et al. and Rashkovskyi et al. disclose a method for delivering advertising content to a user as in the above Claims but do not explicitly disclose that the streaming video is broadcast quality video. The Examiner notes that the quality of the video does not affect the step of delivering the video advertising content to the user. Furthermore, Capek discloses a similar method for delivering streaming video advertising content to a user in which the streaming video is broadcast quality video (col 12, lines 64 - col 13, line 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver broadcast quality video advertising content to the user in Kim et al. One would have been motivated to deliver broadcast quality video in order to present the user with the clearest and most legible advertising copy as possible. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Claim 33: Kim et al. disclose a method for delivering advertising content to a user as in the above Claims but do not explicitly disclose that the video is delivered at a bit rate of at least 144 Kbps. The Examiner first notes that the speed of delivery through the Internet is based on the slowest connection during the transmission and that this connection is dynamic in that the connecting nodes are constantly changing. Thus, while it may be desired that the delivery rate does not fall below 144 Kbps, it cannot be assured when connecting through the Internet. Additionally, Official Notice is taken that it is old and well known to transmit streaming video at as high of bit rate as possible to prevent the video presentation from jerking or freezing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to deliver the streaming video at 144 Kbps or faster, whenever possible. One would have been motivated to maintain this transmission speed in order to prevent jerking

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or freezing of the video presentation as discussed by Kim et al. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

13. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. and Rashkovskyi et al. in view of Cannon et al (US 2002/0016736).

Claim 34: Kim et al. and Rashkovskyi et al. disclose the method for delivering streaming video advertising content to a user as in claim 27 but do not explicitly disclosed that user interface functions are suspended during the delivery step. In a related art, Cannon discloses a similar method for delivering advertising content to a user in which displays an advertisement "that the user cannot remove or reduce in size" (page 2, paragraph 0018) and that "the supplemental content is displayed such that it cannot be shut-off or the display of the supplemental content closed before is has been displayed (page 15, paragraph 00175). Cannon discloses several methods of preventing the user from using the interface functions to remove, reduce, shut-off, or closed, such as using Java code. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to suspend the user interface functions in Kim et al. while the advertising content was being delivered to the user. One would have been motivated to suspend their functions in order to ensure that the user had been exposed to the entire advertising content. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

14. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. and Rashkovskyi et al. in view of Slotznick (6,011,537).

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Claim 37: Kim et al. and Rashkovskyi et al. disclose a method for delivering advertising content to a user as in Claim 25 above, but do not explicitly disclose the user interacting with the user interface via a voice-activated device. However, Slotznick discloses a similar method for delivering advertising content to a user in which the user may interact with the user interface by "speaking a command to a device equipped with a voice recognition module" (col 13, lines 21 - 25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a voice-activated interfacing device in Kim et al. One would have been motivated to use a voice-actuated device in order to allow the system to be used by physically disabled users and by users who need a hands-free means for entering data, such as users who are driving vehicles. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

### ***Response to Arguments***

15. Applicant's arguments with respect to independent claims 1, 25 and 42 have been considered but are moot in view of the new ground(s) of rejection. In particular, the newly found reference of Rashkovskyi et al. specifically teaches the feature of preventing the content feed and the localized environment.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be

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reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./  
Examiner, Art Unit 1796  
7/25/2008

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622